

PATENT

Atty Docket No.: 70006210-1

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In The U.S. Patent and Trademark Office

In Re the Application of:

Inventor(s): Peter Alexander Grossman

Confirmation No.: 2741

Serial No.: 09/834,255

Examiner: Javid A. Amini

Filed: April 12, 2001

Group Art Unit: 2628

Title: SYSTEM AND METHOD FOR MANIPULATING AN IMAGE ON A
SCREEN

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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1 sheet of Transmittal Letter for Reply Brief.

8 sheets of Reply Brief.

Respectfully submitted,

MANNAVA & KANG, P.C.

October 16, 2006


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PATENT APPLICATION
ATTORNEY DOCKET NO. 70006210-1

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TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on August 15, 2006. This Reply Brief is being filed pursuant to 37 CFR 41.41 within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.138(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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Number of pages: 10

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REPLY BRIEF

The Appellant respectfully submits this Reply Brief in response to the Examiner's Answer mailed on August 15, 2006. This Reply Brief is hereby submitted with two months of the Examiner's Answer because October 15, 2006 is a weekend day.

PATENT

Atty Docket No.: 70006210-1

App. Ser. No.: 09/834,255

Art Unit: 2628

TABLE OF CONTENTS

	PAGE
I. <u>STATUS OF CLAIMS</u>	2
II. <u>GROUND OF REJECTION TO BE REVIEWED ON APPEAL</u>	3
III. <u>ARGUMENT</u>	4
A. <u>Neither Hailey et al. nor Montagna et al. Discloses the Features Claimed in Claims 1-3, 5-8, 10, 16, and 17</u>	4
B. <u>The Examiner Failed to Provide Proper Motivation for the Proposed Combination of Hailey et al. and Montagna et al.</u>	6
V. <u>CONCLUSION</u>	7

PATENT

Atty Docket No.: 70006210-1

App. Ser. No.: 09/834,255

Art Unit: 2628

**RECEIVED
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Claims 4, 9, 11-15, 18, and 19 have been canceled without prejudice or disclaimer of

the subject matter contained therein.

Claims 1-3, 5-8, 10, 16, and 17 stand rejected.

Pursuant to 37 C.F.R. § 41.37, the Appellant hereby appeals the Examiner's decision finally rejecting Claims 1-3, 5-8, 10, 16, and 17 to the Board of Patent Appeals and Interferences. Therefore, Claims 1-3, 5-8, 10, 16, and 17 of this application are at issue on this appeal.

PATENT

Atty Docket No.: 70006210-1

App. Ser. No.: 09/834,255

Art Unit: 2628

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether Claims 1-3, 5-8, 10, 16, and 17 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,602,870 to Hailey et al. in view of U.S. Patent No. 4,899,292 to Montagna et al.

PATENT

Atty Docket No.: 70006210-1

App. Ser. No.: 09/834,255

Art Unit: 2628

RECEIVED
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OCT 16 2006

A. Neither Hailey et al. nor Montagna et al. Discloses the Features Claimed in Claims 1-3, 5-8, 10, 16, and 17

In the Response to Argument section of the Examiner's Answer, the Examiner asserts that the proposed combination of Hailey et al. and Montagna et al. discloses that "a center of zoom action follows the movement of a stylus and that the zoom action is performed repeatedly as the stylus is moved across a screen, until the stylus is removed from contact with [sic] screen." To support this assertion, the Examiner argues that Hailey et al. discloses a "dynamic zoom sequence" and that Montagna et al. discloses a "zoom and center" operation.

In an effort to further support these assertions, the Examiner points to various signal processing operations disclosed in Hailey et al. configured to perform the zoom action at the processor level. In addition, the Examiner points to disclosure contained in Montagna et al. that indicates that a zoom action is centered near a touch point on a screen. However, the Examiner fails to address various features claimed in Claims 1-3, 5-8, 10, 16, and 17 as discussed in greater detail herein below.

Claim 1 recites, *inter alia*, a zoom means that tracks the location at which a stylus contacts a screen, causes an image to be repeatedly zoomed while the stylus contacts the screen and while the stylus is moved across the screen, with the center of the zoom action following movement of the stylus. Similarly, Claim 6 recites, *inter alia*, that a center of zoom action is set to coincide with the movement of the stylus as the stylus is moved across the screen and that a zoom action is repeatedly performed until the stylus is removed from the screen. Moreover, Claim 16 recites, *inter alia*, a zoom means that alters the center of the

PATENT

Atty Docket No.: 70006210-1

App. Scr. No.: 09/834,255

Art Unit: 2628

zoom action so that the center follows the movement of the stylus as the stylus is moved across the screen, in addition to repeatedly performing the zoom action on the screen. Furthermore, Claim 17, recites, *inter alia*, moving a stylus across a screen and moving a center of zoom action in accordance with movement of the stylus across a screen, while performing the zoom action, using the point of contact between the stylus and the screen as the center of the zoom action.

The Examiner indicates that Hailey et al. at least fails to disclose that the point at which a stylus contacts a screen is a zoom center, that a zoom operation is continuously performed while the stylus contacts the screen, and that the zoom center follows movement of the stylus. In an effort to make up for these deficiencies, for instance, the Examiner relies upon column 11, lines 57-60 of Montagna et al., which states that "the enlarged image is centered at the closest point to the touch point which will allow full utilization of window 61." In addition, in column 11, lines 60-64, Montagna et al. also discloses that a "[m]icroprocessor 60 calculates a new center point...which will bring the touch point as close as possible to the center of window 61 without causing any image edge to appear inside the borders of window 61."

In this regard, Montagna et al. discloses that the location where the stylus contacts the screen (touch point) is moved to near a center of the screen and enlarged. As such, Montagna et al. discloses a single zoom operation that moves the image near the center point of the screen, but does not disclose that the zoom action is repeated while the stylus contacts the screen. Montagna et al. also fails to disclose that the center of zoom action follows the movement of the stylus as the stylus is moved across the screen.

PATENT

Atty Docket No.: 70006210-1

App. Ser. No.: 09/834,255

Art Unit: 2628

Clearly, therefore, neither Hailey et al. nor Montagna et al. discloses that the zoom action is repeated while the stylus is in contact with the screen until the stylus is removed from the screen, with the zoom action following the movement of the stylus across the screen, as claimed in Claims 1, 6, 16, and 17 of the present invention.

For at least the foregoing reasons, contrary to the Examiner's assertions, it is respectfully submitted that Hailey et al. and Montagna et al. fail to disclose all of the features claimed in Claims 1, 6, 16, and 17 and the claims that depend therefrom.

B. The Examiner Failed to Provide Proper Motivation for the Proposed Combination of Hailey et al. and Montagna et al.

On page 5, lines 6-10, the Examiner asserts that "it would have been obvious to a person skill in the art to incorporate the digital image processing of Hailey with Montagna's systems, which enlarged and centered about a desired point in the graphic image using wand or stylus, and this modification of Montagna into Hailey would provide a user to perform a dynamic zooming on an image, and Hailey provides an example: for a 2:1 zoom ratio is given in fig. 3." It appears that the Examiner is suggesting that it would have been obvious to combine the Hailey et al. and Montagna et al. disclosures to provide Hailey et al. with dynamic zooming capabilities.

This motivation, however, is clearly improper because Hailey et al. already discloses a dynamic zoom sequence, as asserted by the Examiner on page 5, lines 2 and 3. As such, there appears to be no reason provided by the Examiner for the proposed combination of Hailey et al. and Montagna et al.

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OCT 16 2006

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Art Unit: 2628

Accordingly, the proposed combination of Hailcy et al. and Montagna et al. fails to render obvious the claimed invention as set forth in Claims 1, 6, 16, and 17, and the Examiner has therefore failed to establish a *prima facie* case of obviousness.


V. CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that the rejection of Claims 1-3, 5-8, 10, 16, and 17 is clearly improper. The Appellant therefore respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting Claims 14-19 and 27 and to direct the Examiner to pass the case to issue.

Respectfully submitted,

Dated: October 16, 2006

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